

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THOMAS SPINARD

Plaintiff,

1:05-CV-729

-v-

MURRAY, INC., and BRIGGS & STRATTON
CORPORATION, and HOME DEPOT U.S.A., INC.,

Defendants.

DAVID N. HURD
United States District Judge

ORDER

Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on September 22, 2006, in Albany, New York, it is hereby

ORDERED that

(1) Defendant Briggs & Stratton Corporation's motion for summary judgment is

DENIED; except that

(2) Defendant Home Depot U.S.A., Inc.'s second and third cross-claims are

DISMISSED.

IT IS SO ORDERED.



United States District Judge

Dated: September 22, 2006

Utica, New York.